

City of Morgan Hill



File #: 15-263, Agenda Date: 5/20/2015, Version: 1

CITY COUNCIL STAFF REPORT

MEETING DATE: MAY 20, 2015

PREPARED BY: Irma Torrez, City Clerk
 APPROVED BY: City Manager

COUNCIL ACTION ON THE REFERENDUM PETITION REGARDING ORDINANCE NO. 2131, NEW SERIES (ZA-14-26: LIGHTPOST - RIVERPARK HOSPITALITY)

RECOMMENDED ACTION(S):

1. Adopt Resolution Accepting the City Clerk's Certificate of Sufficiency for the Referendum Petition Regarding Ordinance No. 2131, New Series; **and**
2. Direct Staff to Include a Staff Report for Consideration of the Next Step on the June 3, 2015 City Council Agenda.

COUNCIL PRIORITIES, GOALS & STRATEGIES:

Ongoing Priorities

Preserving and cultivating public trust

2015 Focus Areas

Community Engagement Effectiveness

REPORT NARRATIVE:

On November 19, 2014, City Council approved a general plan amendment that changed the General Plan land use designation on the subject site from "Industrial" to "Commercial."

On April 1, 2015, the City Council adopted Ordinance No. 2131, New Series: Amending the Zoning Designation of a 3.39 Acre Site at the Northeast Quadrant of the Intersection of Madrone Parkway and Lightpost Way from the ML - Light Industrial District to the CG - General Commercial District (APN 726-33-026) to be consistent with the recent General Plan Amendment related to the property.

On April 2, 2015, the City Clerk was contacted by The Morgan Hill Hotel Coalition, an Unincorporated Association ("Proponents") of a Referendum Petition Regarding Ordinance 2131, New Series. On April 3, 2015, the City Clerk provided the Proponents of a Referendum with a fully executed copy of Ordinance No. 2131, New Series.

Pursuant to state law, to qualify for further action, a referendum petition must contain signatures of at least 10% of the registered voters of the City of Morgan Hill. The Office of the Santa Clara County Registrar of Voters (the "Office") indicated that there are 20,048 registered voters in the City of Morgan Hill, such that at least 2,005 valid signatures would be

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required on the Referendum Petition. The Office reviewed and examined the signatures contained on the Referendum Petition and found that it contained at least 4,130 sufficient signatures (correspondence from the Office is attached). Per Elections Code 9115(b), the Registrar of Voters found that the sampling is over the 110% of the number of signatures required to find the Referendum Petition to be sufficient with a projected number of 2,533 valid signatures. Therefore, the City Clerk has prepared and issued a Certificate of Sufficiency of Referendum Petition (attached) for City Council consideration and acceptance.

Should the City Council adopt a Resolution accepting the City Clerk's Certificate of Sufficiency of Referendum Petition, California Elections Code section 9241 provides that the City Council then take an additional action that include, but may not be limited to;

1. Adopt an Ordinance repealing Ordinance No. 2131, New Series; rezoning a 3.39 acre site from ML - Light Industrial to CG - General Commercial District (APN 726-33-026); OR
2. Adopt a Resolution calling for a special municipal election on Tuesday, August 18, 2015, [or other Tuesday not less than 88 days from the date of the resolution] and submitting to City voters a ballot measure relating to Ordinance No. 2131, New Series rezoning a 3.39 acre site from ML - Light Industrial to CG - General Commercial District (APN 726-33-026); OR
3. Adopt a Resolution submitting to City voters at the next regular municipal election to be held on November 1, 2016, a ballot measure relating to Ordinance No. 2131, New Series, rezoning a 3.39 acre site from ML - Light Industrial to CG - General Commercial District (APN 726-33-026).

Staff recommends that the Council direct staff to return on June 3, 2015, with an agenda item that will allow the Council to decide on the next step in this process.

COMMUNITY ENGAGEMENT: INFORM

ALTERNATIVE ACTIONS:

None.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

The City Council Adopted Ordinance No. 2131, New Series, on April 1, 2015.

City Council previously approved a General Plan Land Use amendment on the subject parcel on November 19, 2014. At that time, the designation was changed from Industrial to Commercial.

The Planning Commission considered this project at its regular meeting of February 24, 2015 and recommended City Council approval of the project.

FISCAL AND RESOURCE IMPACT:

There is no immediate fiscal impact by accepting the City Clerk's Certificate of Sufficiency. The City will be invoiced by the Santa Clara County - Registrar of Voters Office for signature verification services for the referendum petition. This is estimated to be less than \$5,000.

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The estimated fiscal impact for each alternative future action will be provided in the June 3, 2015, Staff Report.

CEQA (California Environmental Quality Act):

Project, Description of CEQA requirements

A Mitigated Negative Declaration was prepared for the General Plan Amendment and Rezoning project, which determined that any potential environmental impacts resulting from the proposed change in land use would be fully mitigated, and this MND was adopted by the City Council on November 19, 2014.

LINKS/ATTACHMENTS:

Attachments:

1. Resolution Accepting City Clerk's Certification of Sufficiency of Referendum Petition
2. Exhibit A - Registrar of Voters Letter regarding Referendum Petition
3. Exhibit B - City Clerk's Certificate of Sufficiency of Referendum Petition
4. Copy of Ordinance No. 2131, New Series (adopted by Council 4/1/15)
5. Letter from J. Randall Toch dated May 1, 2015, submission of Referendum Petition
6. 4/1/15 City Council Minutes and Staff report adopting Ordinance No. 2131, New Series
7. 3/18/15 City Council Minutes and Staff report for Zoning Amendment Application, ZA-14
-26: Lightpost - Riverpark Hospitality

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL ACCEPTING THE CITY CLERK'S CERTIFICATE OF SUFFICIENCY FOR THE REFERENDUM PETITION REGARDING ORDINANCE NO. 2131, NEW SERIES, REZONING A 3.39 ACRE SITE AT THE NORTHEAST QUADRANT OF THE INTERSECTION OF MADRONE PARKWAY AND LIGHTPOST WAY FROM THE ML – LIGHT INDUSTRIAL DISTRICT TO THE CG – GENERAL COMMERCIAL DISTRICT (APN 726-33-026).

WHEREAS, the City of Morgan Hill, a municipal corporation and general law city duly organized and existing under and pursuant to the Constitution and laws of the State of California ("City"), is authorized to take those actions required of or authorized by legislative bodies of cities as the legislative body of the City of Morgan Hill; and

WHEREAS, the reasons supporting the adoption of this Resolution are set forth in more detail in that certain City Council Staff Report entitled "Sufficiency of the Referendum Against Ordinance No. 2131, New Series" submitted for City Council consideration at its meeting of May 20, 2015, submitted to the City Council by the City Manager and City Clerk (the "Staff Report"), the contents of which Staff Report are incorporated herein by this reference; and

WHEREAS, the consideration by City Council of the adoption of this Resolution has been duly noticed pursuant to applicable laws and has been placed upon the City Council Meeting Agenda on the date set forth in the Staff Report, or to such date that the City Council may have continued or deferred consideration of this Resolution, and on such date the City Council conducted a duly noticed public meeting at which meeting the City Council provided members of the public an opportunity to comment and be heard and considered any and all testimony and other evidence provided in connection with the adoption of this Resolution; and

WHEREAS, the activities allowed under this Resolution do not constitute a project under the provisions of California Environmental Quality Act of 1970 as such activities result in no change in the physical environment; and

WHEREAS, on April 1, 2015 the City Council adopted Ordinance No. 2131, New Series, rezoning a 3.39 Acre Site at the Northeast Quadrant of the Intersection of Madrone Parkway and Lightpost Way from the ML – Light Industrial District to the CG – General Commercial District (APN 726-33-026) (the "Ordinance"); and

WHEREAS, on May 1, 2015, the City Clerk (also referred to herein as the Elections Official) received a referendum petition against the Ordinance (the "Referendum"); and

WHEREAS, after a prima fascia review by the City Clerk, the Referendum was deemed filed on May 1, 2015; and

WHEREAS, pursuant to California Elections Code section 9237, a referendum petition must be signed by at least 10% of the registered voters of City based upon the county election official's last official report of registrations to the Secretary of State; and

WHEREAS, on May 13, 2015 the Santa Clara County Registrar of Voters concluded and determined that the Referendum petition contained at least 2,533 sufficient signatures of registered voters in the City of Morgan Hill based on a random sampling, and notified the City Clerk of this information pursuant to that certain correspondence attached hereto as Exhibit A and incorporated herein by this reference; and

WHEREAS, the Santa Clara County Registrar of Voters last official report of registration of voters to the Secretary of State for the City of Morgan Hill was 20,048 registered voters, such that 10% of said registration of voters would equal 2,005 as the number of valid signatures required to qualify the Referendum for further action; and

WHEREAS, the City Clerk has prepared and submitted a Certificate of Sufficiency of Referendum Petition for consideration by City Council in accordance with California Elections Code section 9114, which Certificate is attached hereto as Exhibit B and incorporated herein by this reference.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY FIND, DETERMINE, RESOLVE AND ORDER AS FOLLOWS:

Section 1. Recitals. The City Council does hereby find, determine and resolve that all of the foregoing recitals are true and correct.

Section 2. Acceptance. The City Council further resolves that the Council hereby accepts the Certificate of Sufficiency for the Referendum Petition prepared by the City Clerk for the Referendum petition regarding Ordinance No. 2131, New Series, rezoning a 3.39 Acre Site at the Northeast Quadrant of the Intersection of Madrone Parkway and Lightpost Way from the ML – Light Industrial District to the CG – General Commercial District (APN 726-33-026), which Certificate is attached hereto as Exhibit B.

Section 3. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED by the City Council of the City of Morgan Hill at its regular meeting held on this ____ day of _____, 201__ by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

COUNCIL MEMBERS:
COUNCIL MEMBERS:
COUNCIL MEMBERS:
COUNCIL MEMBERS:

DATE: _____

Steve Tate, MAYOR

Resolution No.

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∞ **CERTIFICATION** ∞

I, **Irma Torrez, City Clerk of the City of Morgan Hill, California**, do hereby certify that the foregoing is a true and correct copy of Resolution No. _____, adopted by the City Council at its regular meeting held on _____, 201__.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: _____

Irma Torrez, CITY CLERK

County of Santa Clara

Registrar of Voters

1555 Berger Drive, Bldg. 2
San Jose, CA 95112
Mailing Address: P.O. Box 611360, San Jose, CA 95161-1360
1(408) 299-VOTE (8683) 1(866) 430-VOTE (8683) FAX: 1(408) 998-7314
www.sccvote.org

Received
City of Morgan Hill

MAY 15 2015

City Clerk

EXHIBIT "A"



May 13, 2015

Ms. Irma Torrez
City Clerk
City of Morgan Hill
17575 Peak Ave
Morgan Hill, CA 95037-4128

RE: Referendum Petition Against Ordinance No. 2131, New Series

Dear Ms. Torrez,

The initiative petition submitted to our office on May 4, 2015 contained 4,130 signatures. Based on the registered voters in the City of Morgan Hill as of the last report of registration to the Secretary of State (Elections Code Section 2187) the petition needs 2,005 valid signatures to pass.

Per Elections Code Section 9115, subsection (a), provides for the manner of verifying petitions:

Within 30 days from the date of filing of the petition, excluding Saturdays, Sundays, and holidays, if, from the examination of petitions pursuant to Elections Code Section 9114 shows that more than 500 signatures have been signed on the petition, the elections official may use a random sampling technique for verification of signatures. The random sample of signatures to be verified shall be drawn so that every signature filed with the elections official shall be given an equal opportunity to be included in the sample. The random sampling shall include an examination of at least 500, or 3 percent of the signatures, whichever is greater.

That after the proponent filed this petition, pursuant to my direction, Maggy Smith, Election Division Coordinator, Voter Registration Division, verified the required number of signatures by examining the records of registration in this county, current and in effect at the respective purportive dates of such signing, to determine what number of qualified electors signed the petition, and from that examination I have determined the following facts regarding this petition: a random sampling of 500 or 3%, whichever is greater, of signatures submitted, 314 signatures were valid. The petition has a projected number of 2,533 valid signatures. Per Elections Code Section 9115, subdivision (b), the statistical sampling is over 110 percent of the number of signatures of qualified voters needed to declare the petition sufficient.

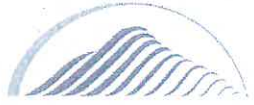
If you have any questions concerning this matter, please feel free to contact Maggy Smith at (408) 282-3051.

Sincerely,

Shannon Bushey
Registrar of Voters
County of Santa Clara

Attachments: Clerk's Certificate to Initiative Petition
Petition Result Breakdown Report
Statistics Summary Report
Statistics Detail Report

ms:JobD22 City of MH



CITY OF MORGAN HILL

City Clerk's Office
17575 Peak Avenue
Morgan Hill, CA 95037-4128

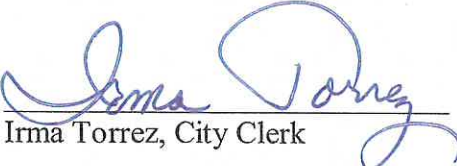
EXHIBIT "B"

**CITY CLERK'S CERTIFICATE OF EXAMINATION AND SUFFICIENCY
ON A REFERENDUM PETITION AGAINST CITY COUNCIL ORDINANCE NO. 2131,
NEW SERIES**

I, Irma Torrez, City Clerk of Morgan Hill, California, certify that I have examined the above-entitled referendum, and as a result of such examination, find the following:

1. A referendum Against Ordinance No. 2131, New Series, passed by the City Council, was filed on May 1, 2015, Pursuant to Elections Code Sections 9210 and based on the number of signatures, prima fascia, the petition contained sufficient signatures equaling or exceeding the minimum number required.
2. The total number of valid signatures required is 2,005, pursuant to Elections Code Section 9237, which is 10% of the registered voters according to the Santa Clara Registrar of Voters' last official report of registration to the Secretary of State at the time the petitions were submitted which was 20,048 registered voters as of February 10, 2015.
3. According to the Santa Clara County - Registrar of Voters Office, the total number of signatures on the petition is 4,130. For purposes of accepting the filing of the referendum petition, it was determined that there were sufficient signatures.
4. The Santa Clara County - Registrar of Voters Office conducted a Random Sampling of 3 percent or 500 signatures, whichever is greater, and found 314 signatures to be valid. The petition has a projected number of 2,533 valid signatures.
5. Per Elections Code Section 9115, Subdivision (b), the statistical sampling is over 110 percent of the number of signatures of qualified voters needed to declare the petition sufficient.
6. However, it is not a city clerk's function to determine whether the proposed referendum would be valid if enacted because of the difficult legal nature of issues.
7. Therefore, aside from the legal issues, the referendum petition against City Council Ordinance No. 2131, New Series, is hereby declared sufficient.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Morgan Hill this 15th day of May, 2015.


Irma Torrez, City Clerk

ORDINANCE NO. 2131, NEW SERIES

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING THE ZONING DESIGNATION OF A 3.39 ACRE SITE AT THE NORTHEAST QUADRANT OF THE INTERSECTION OF MADRONE PARKWAY AND LIGHTPOST WAY FROM THE ML – LIGHT INDUSTRIAL DISTRICT TO THE CG – GENERAL COMMERCIAL DISTRICT (APN 726-33-026)


THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY ORDAIN AS FOLLOWS:

- SECTION 1. INCORPORATING THE MAP BY REFERENCE.** There hereby is attached hereto as "Exhibit A" and made a part of this ordinance, a map showing the boundaries of the subject property.
- SECTION 2. DESCRIPTION OF LAND IN REZONING.** The boundaries of the property as shown for "Parcel O," a portion of the map filed for record with the Santa Clara County Recorder on October 13, 2000 in book 733 of Maps at pages 11 and 12.
- SECTION 3. FINDING OF CONSISTENCY WITH THE GENERAL PLAN.** The City Council hereby finds that the amendment established by this ordinance as herein described is compatible with the goals, objectives, policies and land use designation of the amended General Plan of the City of Morgan Hill. The Council further finds that the proposed amendment is required in order to serve the public health, convenience and general welfare as provided by Section 18.62.070 of the Morgan Hill Municipal Code.
- SECTION 4.** The City Council of the City of Morgan Hill hereby finds that, on the basis of the whole record before it (including the refined initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects the City Council's independent judgment and analysis, and that the Mitigated Negative Declaration was adopted prior to action taken to adopt the Ordinance. The custodian of the documents or other material which constitute the record shall be the Community Development Department.
- SECTION 5. Severability.** If any part of this Ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the applicability of this Ordinance to other situations.
- SECTION 6. Effective Date; Publication.** This Ordinance shall take effect thirty (30) days after the date of its adoption. The City Clerk is hereby directed to publish this ordinance pursuant to §36933 of the Government Code.

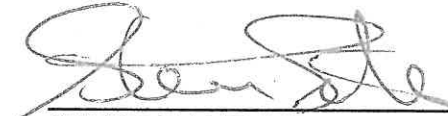
THE FOREGOING ORDINANCE WAS INTRODUCED AT A MEETING OF THE CITY COUNCIL HELD ON THE 18th DAY OF MARCH 2015, AND WAS FINALLY ADOPTED AT A MEETING OF THE CITY COUNCIL HELD ON THE 1st DAY OF APRIL 2015, AND SAID ORDINANCE WAS DULY PASSED AND ADOPTED IN ACCORDANCE WITH LAW BY THE FOLLOWING VOTE:

AYES:	COUNCIL MEMBERS:	Larry Carr, Rich Constantine, Steve Tate
NOES:	COUNCIL MEMBERS:	Marilyn Librers, Gordon Siebert,
ABSTAIN:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	None

ATTEST:


IRMA TORREZ, City Clerk

APPROVED:


STEVE TATE, Mayor

Effective: May 1, 2015

❧ CERTIFICATION ❧

I, IRMA TORREZ, CITY CLERK OF THE CITY OF MORGAN HILL, CALIFORNIA, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 2131, New Series, adopted by the City Council of the City of Morgan Hill, California at its regular meeting held on the 1st day of April 2015.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE:

April 3, 2015


IRMA TORREZ, City Clerk





May 1, 2015

Received
City of Morgan Hill

MAY 1 2015

Via Hand Delivery

Ms. Irma Torrez
City Clerk of the City of Morgan Hill
17575 Peak Avenue
Morgan Hill, CA 95037

City Clerk

**Re: Submission of Petition for Referendum
City of Morgan Hill Ordinance No. 2131 New Series
Proponent – The Morgan Hill Hotel Coalition, an Unincorporated Association**

Dear Ms. Torrez:

As you are aware, this law office represents the Morgan Hill Hotel Coalition, an unincorporated association.

In accordance with California Government Code Section 9235, et seq., enclosed herewith is a fully executed Petition for Referendum Against an Ordinance Passed by the City Council of the City of Morgan Hill, California, relating to the above referenced proposed ordinance. The proponent of the petition is, our client, the Morgan Hill Hotel Coalition. In addition to the undersigned, the following persons are knowledgeable with respect to this matter and may be contacted with any questions or for further information:

Mr. Ashis Roy
Holiday Inn Express & Suites San Jose-Morgan Hill
17035 Condit Road
Morgan Hill, CA 95037
Telephone: (408) 300-4800
Email: ashis@hiemorganhill.com

Mr. Asit Panwala
Comfort Inn Morgan Hill
16225 Condit Road
Morgan Hill, CA 95037
Telephone: (646) 342-4174
Email: asit.panwala@gmail.com

It is our understanding that the enclosed petition has been duly signed by not less than two thousand five (2,005) registered voters of the City of Morgan Hill, representing more than ten percent (10%) percent of the city's twenty thousand forty-eight (20,048) voters set forth in the Santa Clara County elections official's last official report of registration to the Secretary of State. In accordance with Elections Code, Section 9237, since the enclosed petition has been timely submitted on or before the thirtieth (30th) day following attestation of the proposed ordinance by your office, the effective date of the above

Ms. Irma Torrez
City Clerk of the City of Morgan Hill
May 1, 2015
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referenced ordinance is hereby suspended indefinitely and the City Council of the City of Morgan Hill must reconsider the ordinance.

Per your request, I have also enclosed four (4) blank copies of the petition form. If you have any questions, or if I can provide you with any further documents or information, please contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "J. Randall Toch". The signature is fluid and cursive, with a long horizontal stroke at the end.

J. Randall Toch, Esq.
Attorney for the Morgan Hill Hotel Coalition

Enclosures

cc: Mr. Ashis Roy (without enclosures)
Mr. Asit Panwala (without enclosures)

7. **ADOPT ORDINANCE 2131, NEW SERIES, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING THE ZONING DESIGNATION OF A 3.39 ACRE SITE AT THE NORTHEAST QUADRANT OF THE INTERSECTION OF MADRONE PARKWAY AND LIGHTPOST WAY FROM THE ML - LIGHT INDUSTRIAL DISTRICT TO THE CG -GENERAL COMMERCIAL DISTRICT (APN 726-33-026)**
Recommended Action(s): Waive the Reading, and Adopt Ordinance No. 2131 New Series, and Declare that said Title, which appears on the Agenda, shall be determined to have been read by Title and further reading waived.

Item pulled for discussion.

Mayor Tate opened the public comment at 7:17 p.m.

- Randy Toch spoke on behalf of the Morgan Hill Hotel Coalition requesting the Council to reconsider the item
- Michael Meredith spoke in opposition
- Karen Mendez spoke in opposition
- Ashis Roy spoke on behalf of the Morgan Hill Hotel Coalition spoke in opposition
- Gary Hansen
- Asit Panwala

Hearing no further requests to speak, the public comment was closed.

Council Member Constantine requested that staff work to bring forward a hotel market analysis.

Action: *On a motion by Council Member Carr and seconded by Council Member Constantine Waiving the reading. The motion passed by the following vote: Ayes: 5 (Carr, Constantine, Librers, Siebert, Tate); Noes: 1 (Librers); Absent: 0.*

Action: *On a motion by Council Member Carr and seconded by Council Member Constantine Adopting Ordinance No. 2131 New Series and Declaring that said Title, which appears on the Agenda, shall be determined to have been read by Title and further reading waived. The motion passed by the following vote: Ayes: 5 (Carr, Constantine, Librers, Siebert, Tate); Noes: 2 (Librers, Siebert); Absent: 0.*

Mayor Tate called a recess at 7:59 p.m. The meeting was reconvened at 8:07 p.m.



City of Morgan Hill

City Council Staff Report

File #: 15-105, Agenda Date: 4/1/2015, Version: 1

CITY COUNCIL STAFF REPORT

MEETING DATE: APRIL 1, 2015

PREPARED BY: Angie Garcia, Council Services Assistant/Administrative Services
APPROVED BY: City Manager

ADOPT ORDINANCE 2131, NEW SERIES, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING THE ZONING DESIGNATION OF A 3.39 ACRE SITE AT THE NORTHEAST QUADRANT OF THE INTERSECTION OF MADRONE PARKWAY AND LIGHTPOST WAY FROM THE ML - LIGHT INDUSTRIAL DISTRICT TO THE CG -GENERAL COMMERCIAL DISTRICT (APN 726-33-026)

RECOMMENDATION(S):

Waive the Reading, and **Adopt** Ordinance No. 2131 New Series, and **Declare** that said Title, which appears on the Agenda, shall be determined to have been read by Title and further reading waived.

COUNCIL PRIORITIES SUPPORTED:

2015 Focus Areas

Stimulate Economic Development

NARRATIVE:

On March 18, 2015, the City Council Introduced Ordinance No. 2131, New Series, by the Following Roll Call Vote: AYES: Carr, Constantine, Tate; NOES: Librers, Siebert; ABSTAIN: None; ABSENT: None.

FISCAL AND RESOURCE IMPACT:

No budget adjustment required. This project is part of the Community Development work plan, and the City has collected application fees to cover costs associated with the project.

CEQA (California Environmental Quality Act):

A Mitigated Negative Declaration, which determined that any potential environmental impacts resulting from the proposed change in land use would be fully mitigated, was adopted by the City Council on November 19, 2014. As the proposed zoning change would conform to the recently adopted General Plan Amendment, the adopted Mitigated Negative Declaration provides the necessary CEQA analysis for the current project.

File #: 15-105, Agenda Date: 4/1/2015, Version: 1

LINKS/ATTACHMENTS:

Ordinance 2131

ORDINANCE NO. 2131, NEW SERIES

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING THE ZONING DESIGNATION OF A 3.39 ACRE SITE AT THE NORTHEAST QUADRANT OF THE INTERSECTION OF MADRONE PARKWAY AND LIGHTPOST WAY FROM THE ML – LIGHT INDUSTRIAL DISTRICT TO THE CG – GENERAL COMMERCIAL DISTRICT (APN 726-33-026)

THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY ORDAIN AS FOLLOWS:

- SECTION 1. INCORPORATING THE MAP BY REFERENCE.** There hereby is attached hereto as “Exhibit A” and made a part of this ordinance, a map showing the boundaries of the subject property.
- SECTION 2. DESCRIPTION OF LAND IN REZONING.** The boundaries of the property as shown for “Parcel O,” a portion of the map filed for record with the Santa Clara County Recorder on October 13, 2000 in book 733 of Maps at pages 11 and 12.
- SECTION 3. FINDING OF CONSISTENCY WITH THE GENERAL PLAN.** The City Council hereby finds that the amendment established by this ordinance as herein described is compatible with the goals, objectives, policies and land use designation of the amended General Plan of the City of Morgan Hill. The Council further finds that the proposed amendment is required in order to serve the public health, convenience and general welfare as provided by Section 18.62.070 of the Morgan Hill Municipal Code.
- SECTION 4.** The City Council of the City of Morgan Hill hereby finds that, on the basis of the whole record before it (including the refined initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects the City Council’s independent judgment and analysis, and that the Mitigated Negative Declaration was adopted prior to action taken to adopt the Ordinance. The custodian of the documents or other material which constitute the record shall be the Community Development Department.
- SECTION 5.** Severability. If any part of this Ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the applicability of this Ordinance to other situations.
- SECTION 6.** Effective Date; Publication. This Ordinance shall take effect thirty (30) days after the date of its adoption. The City Clerk is hereby directed to publish this ordinance pursuant to §36933 of the Government Code.

THE FOREGOING ORDINANCE WAS INTRODUCED AT A MEETING OF THE CITY COUNCIL HELD ON THE 18th DAY OF MARCH 2015, AND WAS FINALLY ADOPTED AT A MEETING OF THE CITY COUNCIL HELD ON THE 1st DAY OF APRIL 2015, AND SAID ORDINANCE WAS DULY PASSED AND ADOPTED IN ACCORDANCE WITH LAW BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:

ATTEST:

APPROVED:

IRMA TORREZ, City Clerk

STEVE TATE, Mayor

Effective: May 1, 2015

❧ CERTIFICATION ❧

I, IRMA TORREZ, CITY CLERK OF THE CITY OF MORGAN HILL, CALIFORNIA, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 2131, New Series, adopted by the City Council of the City of Morgan Hill, California at its regular meeting held on the 1st day of April 2015.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: _____

IRMA TORREZ, City Clerk



City Council Action

PUBLIC HEARINGS: **ITEMS**

10. ZA-14-26: LIGHTPOST - RIVERPARK HOSPITALITY

Recommended Action(s)

1. **Open/Close** Public Hearing
2. **Waive** the first and second reading of the Zoning Amendment Ordinance for ZA-14-26
3. **Introduce** Zoning Amendment ordinance

Assistant Planner Maxey presented the staff report.

Mayor Tate opened the public hearing at 8:12 p.m.

- Ashis Roy spoke on behalf of the Morgan Hill Hotel Coalition, in opposition (Presentation received)
- Sunit Doshi spoke on behalf of the Comfort Inn hotel in opposition
- David Dworkin spoke in opposition

Hearing no further requests to speak, the public hearing was closed.

Action: *On a motion by Council Member Carr and seconded by Council Member Constantine **Waiving** the first and second reading of the Zoning Amendment Ordinance for ZA-14-26. The motion passed by the following vote: Ayes: 3 (Carr, Constantine, Tate); Noes: 2 (Librers, Siebert); Absent: 0.*

Action: *On a motion by Council Member Carr and seconded by Council Member Constantine **Introducing** Zoning Amendment ordinance 2131. The motion passed by the following vote: Ayes: 3 (Carr, Constantine, Tate); Noes: 2 (Librers, Siebert); Absent: 0.*

11. SOLID WASTE MANAGEMENT RATE ADJUSTMENT

Recommended Action(s) **Adopt** resolution approving the rate adjustment.

Community Services Director Ghione presented the staff report. Phil Couchee, General Manager for Recology South Valley, provided additional details regarding the report.

Mayor Tate opened the public hearing at 9:39 p.m. Hearing no requests to speak, the public hearing was closed.

Action: *On a motion by Council Member Siebert and seconded by Council Member Constantine **Adopting** resolution 15-060 approving the rate adjustment. The motion passed by the following vote: Ayes: 5 (Carr, Constantine, Librers, Siebert, Tate); Noes: 0; Absent: 0.*



City of Morgan Hill

City Council Staff Report

File #: 15-060, Agenda Date: 3/18/2015, Version: 1

CITY COUNCIL STAFF REPORT MEETING DATE: MARCH 18, 2015

PREPARED BY: Steve Maxey, Assistant Planner/Community Development
APPROVED BY: City Manager

ZA-14-26: LIGHTPOST - RIVERPARK HOSPITALITY

RECOMMENDATION(S):

- 1) Open/Close Public Hearing
- 2) Waive the first and second reading of the Zoning Amendment Ordinance for ZA-14-26
- 3) Introduce Zoning Amendment ordinance

COUNCIL PRIORITIES SUPPORTED:

2015 Focus Areas

Stimulate Economic Development

NARRATIVE:

The subject site, located on the southeast corner of Madrone Parkway and Lightpost Way, contains one unaddressed legal parcel (APN 726-33-026). Surrounding General Plan land use designations include Commercial to the south, and Industrial to the north, east, and west.

On November 19, 2014, City Council approved a general plan amendment that changed the General Plan land use designation on the subject site from Industrial to Commercial. At that time, the City had not received an application for an associated zoning change. The subject application is a request to rezone the site from ML - Light Industrial to CG - General Commercial to conform to the approved General Plan land use amendment.

ZONING DESIGNATION

The proposed amendment to change the ML - Light Industrial zoning designation to CG - General Commercial is compatible with the existing General Plan land use designations and associated zoning designations of the adjacent properties, which are Industrial to the north, east, and west, and Commercial to the south. The proximity of existing hotels would encourage clustering of these use types, which is consistent with commercial "clustering" policies in the City's General Plan, and the purpose of the City's commercial zoning districts.

GENERAL PLAN POLICIES

File #: 15-060, Agenda Date: 3/18/2015, Version: 1

The proposed land use designation change from Industrial to Commercial on the subject site is consistent with the following General Plan Policies:

Economic Development Policies 1b and 1c: Designate sufficient areas of land to promote the development of a balanced community containing adequate jobs, retail services, and commercial activity, and encourage retention and expansion of existing businesses that generate revenue to the City's General Fund. Such businesses should promote the overlap between visitor and resident serving uses by encouraging retail goods and services that serve both market segments.

Commercial uses have a positive fiscal impact to the City. While sites developed as Commercial in the General Plan support a wide range of potential uses, the current Amendment application was filed specifically to allow hotel development on the site. Hotels in general make a positive fiscal impact through Transient Occupancy Tax (TOT) revenues.

Economic Development Policy 3c: Encourage the location of tourist and recreation oriented commercial development along the freeway.

The project site is in proximity of the freeway and would allow development of a hotel in proximity to Highway 101. As a hotel is a tourist and recreation oriented commercial development, the proposed Amendment would directly support this policy.

Community Development Policy 9a: Encourage a variety of commercial and office development to meet the needs to City residents.

Adding to the City's Commercial land supply to support proposed near-term development would be consistent with this General Plan Policy by encouraging commercial development.

FINDINGS REQUIRED FOR ZONING AMENDMENT

In order for the City Council to amend the City's zoning map, the following findings regarding approval/denial of the project must be made:

1. *That the proposed amendment is in general conformance with the General Plan.*

The City Council can make the finding in that the project meets Community Development Element Policy 9s, and Economic Development Policies 1b and 1c, and does not have a direct conflict with other Goals or Policies in the General Plan.

2. *That the public necessity, convenience and general welfare require the adoption of the proposed amendment.*

The City Council can make the finding in that the project would provide clustering of similar uses and sufficient access to amenities that would be consistent with the Goals and Policies of the City's General Plan.

3. *The proposed amendment does not grant a change in land use from commercial or industrial to a residential land use for property incorporated into the urban service boundary after December 7,*

File #: 15-060, Agenda Date: 3/18/2015, Version: 1

1990 unless it can be determined pursuant to the terms of Section 18.78.070 of the municipal code that the amount of undeveloped, residentially developable land on the same side of Monterey Road as the proposed amendment is insufficient to accommodate five years' worth of residential growth.

The City Council can make the finding in that the project does not include the conversion of property incorporated into the urban service boundary after December 7, 1990.

COMMUNITY ENGAGEMENT

The Planning Commission hearing for the project was duly noticed to the public. No members of the public have provided input in response to these notices.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

City Council previously approved a General Plan Land Use amendment on the subject parcel on November 19, 2014. At that time, the designation was changed from industrial to commercial.

The Planning Commission considered this project at its regular meeting of February 24, 2015 and has recommended City Council approval of the project.

FISCAL AND RESOURCE IMPACT:

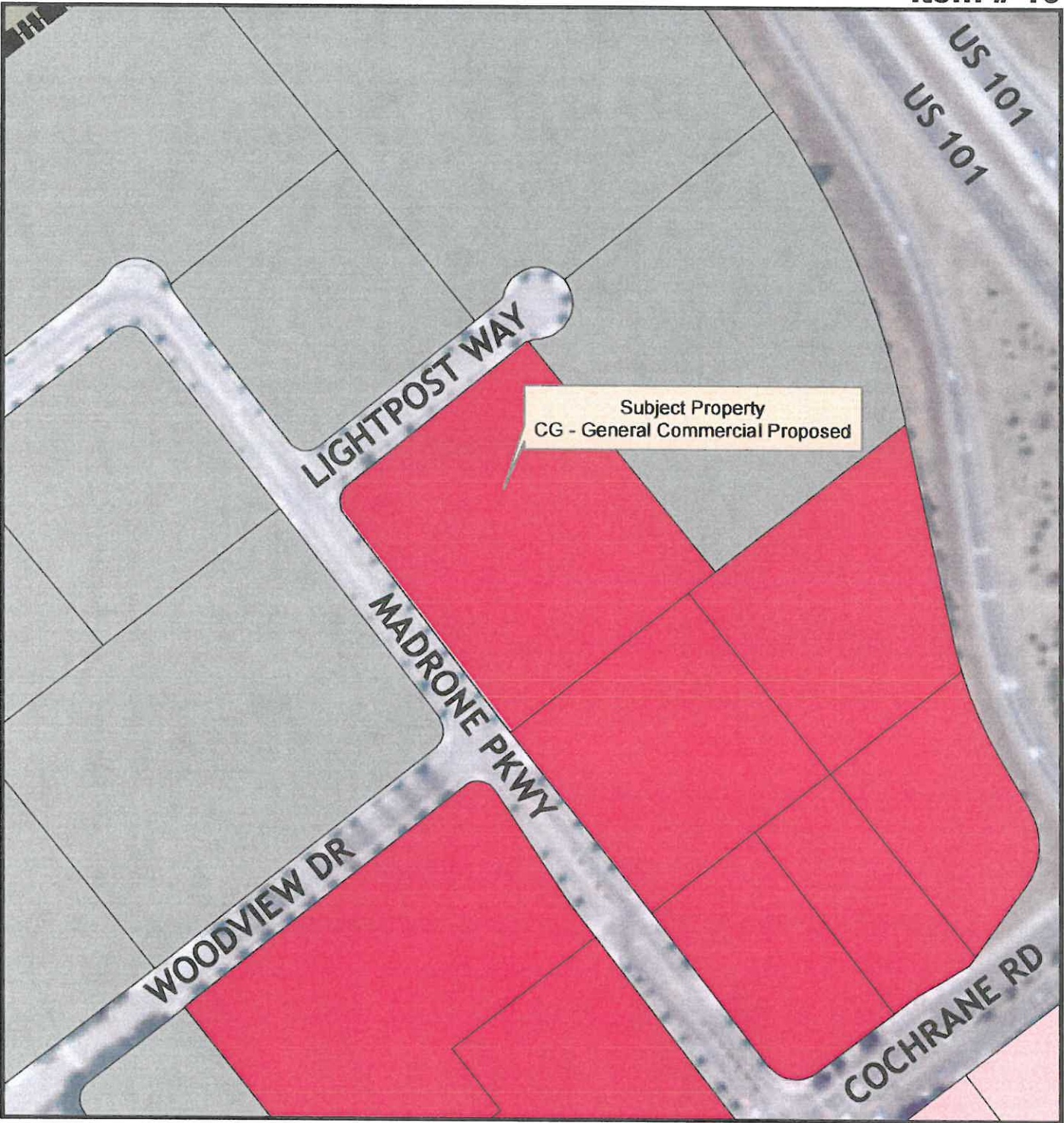
No budget adjustment required. This project is part of the Community Development work plan, and the City has collected application fees to cover costs associated with the project.

CEQA (California Environmental Quality Act):

A Mitigated Negative Declaration, which determined that any potential environmental impacts resulting from the proposed change in land use would be fully mitigated, was adopted by the City Council on November 19, 2014. As the proposed zoning change would conform to the recently adopted General Plan Amendment, the adopted Mitigated Negative Declaration provides the necessary CEQA analysis for the current project.

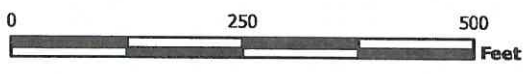
LINKS/ATTACHMENTS:

- 1) Project Area Map
- 2) Ordinance Approving Zoning Amendment
- 3) February 24, 2015 Planning Commission Staff Report



General Plan Land Uses

- Commercial
- General Commercial
- Industrial
- Rural County



**ZA-14-26:
LIGHTPOST-RIVERPARK HOSPITALITY**

PROJECT AREA MAP



ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING THE ZONING DESIGNATION OF A 3.39 ACRE SITE AT THE NORTHEAST QUADRANT OF THE INTERSECTION OF MADRONE PARKWAY AND LIGHTPOST WAY FROM THE ML – LIGHT INDUSTRIAL DISTRICT TO THE CG – GENERAL COMMERCIAL DISTRICT (APN 726-33-026)

THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY ORDAIN AS FOLLOWS:

- SECTION 1. INCORPORATING THE MAP BY REFERENCE.** There hereby is attached hereto as “Exhibit A” and made a part of this ordinance, a map showing the boundaries of the subject property.
- SECTION 2. DESCRIPTION OF LAND IN REZONING.** The boundaries of the property as shown for “Parcel O,” a portion of the map filed for record with the Santa Clara County Recorder on October 13, 2000 in book 733 of Maps at pages 11 and 12.
- SECTION 3. FINDING OF CONSISTENCY WITH THE GENERAL PLAN.** The City Council hereby finds that the amendment established by this ordinance as herein described is compatible with the goals, objectives, policies and land use designation of the amended General Plan of the City of Morgan Hill. The Council further finds that the proposed amendment is required in order to serve the public health, convenience and general welfare as provided by Section 18.62.070 of the Morgan Hill Municipal Code.
- SECTION 4.** The City Council of the City of Morgan Hill hereby finds that, on the basis of the whole record before it (including the refined initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects the City Council’s independent judgment and analysis, and that the Mitigated Negative Declaration was adopted prior to action taken to adopt the Ordinance. The custodian of the documents or other material which constitute the record shall be the Community Development Department.
- SECTION 5.** Severability. If any part of this Ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the applicability of this Ordinance to other situations.
- SECTION 6.** Effective Date; Publication. This Ordinance shall take effect thirty (30) days after the date of its adoption. The City Clerk is hereby directed to publish this ordinance pursuant to §36933 of the Government Code.



REVISED

Planning Commission

Staff Report

February 24, 2015

AGENDA ITEM # 10

ZONING AMENDMENT

GPA-14-05: LIGHTPOST – RIVERPARK HOSPITALITY

RECOMMENDATION

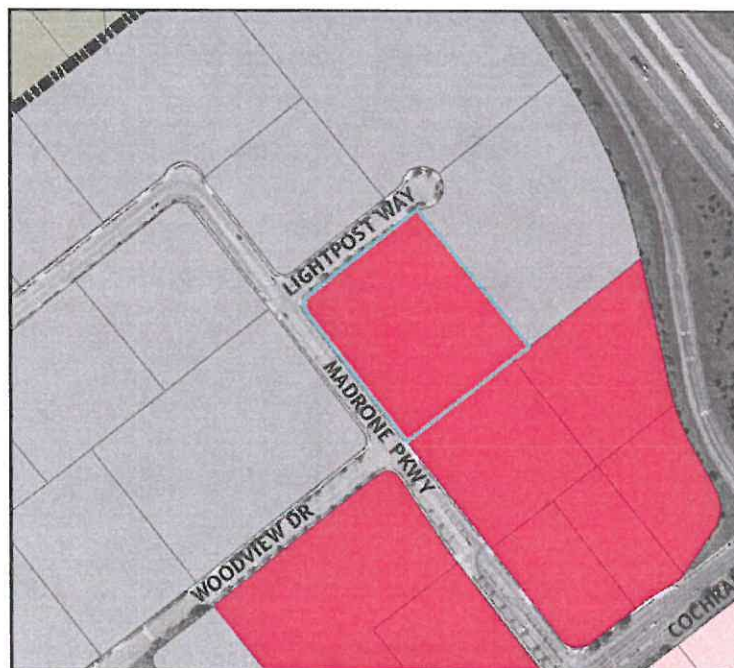
Recommend City Council approval of Zoning Amendment, ZA-14-26.

SITE INFORMATION

Location: Southeast corner of Madrone Parkway and Lightpost Way (APN 726-33-026).
Site Area: 3.39 Acres
General Plan: Commercial

PROJECT DESCRIPTION

A request to apply the CG – General Commercial zoning designation to a 3.39 acre site in anticipation of a future hotel development project.



Subject Site

BACKGROUND

The proposed Zoning Amendment was initiated by the applicant in anticipation of a future hotel development project.

On November 19, 2014, City Council approved a general plan amendment that changed the General Plan land use designation on the subject site from Industrial to Commercial. At that time, the City had not received an application for an associated zoning change. The subject application is a request to rezone the site from ML – Light Industrial to CG – General Commercial to conform with the approved General Plan land use amendment.

ANALYSIS

The proposed Zoning Amendment was analyzed with respect to: 1) the appropriateness of the requested zoning designation; 2) consistency with applicable General Plan Policies; 3) the findings required to amend the Zoning Code; and, 4) conformance with the California Environmental Quality Act (CEQA).

1) Appropriateness of the requested zoning

The subject site, located on the southeast corner of Madrone Parkway and Lightpost Way, contains one unaddressed legal parcel (APN 726-33-026).

The proposed amendment would zone the entire site as CG – General Commercial, which is compatible with the existing site's General Plan land use designation and the General Plan land use designations of the adjacent properties, which are commercial to the south, and industrial to the north, east, and west. In addition to the anticipated hotel construction, other potential uses following the rezoning could include retail stores, restaurants, or offices. The proximity of existing hotels (to the south) would encourage clustering of these use types, which is consistent with commercial "clustering" policies in the City's General Plan, and the purpose of the City's commercial zoning districts.

2) Consistency with General Plan Goals and Policies

The proposed zoning designation of CG – General Commercial on the subject site is consistent with the following General Plan Goals and Policies:

Economic Development Policies 1b and 1c: Designate sufficient areas of land to promote the development of a balanced community containing adequate jobs, retail services, and commercial activity, and encourage retention and expansion of existing businesses that generate revenue to the City's General Fund. Such businesses should promote the overlap between visitor and resident serving uses by encouraging retail goods and services that serve both market segments.

The proposed rezoning would facilitate a specific hotel development proposal as it has been envisioned by the project applicant. Such commercial uses have a positive fiscal impact to the

City and support the City's ongoing economic development. While sites developed as Commercial in the General Plan support a wide range of potential uses, the current amendment application was filed specifically to allow development of a full service hotel on the site. Hotels in general make a positive fiscal impact to the City, supporting the delivery of City services to the community, through Transit Occupancy Tax (TOT) revenues.

Economic Development Policy 3c: Encourage the location of tourist and recreation oriented commercial development along the freeway.

The project site is in proximity of the freeway and would allow development of a hotel in proximity to Highway 101. As a hotel is tourist and recreation oriented commercial development, the proposed amendment would directly support this policy and the City's efforts to further develop as a tourist destination.

Community Development Policy 9a: Encourage a variety of commercial and office development to meet the needs to City residents.

Adding to the City's Commercial land supply to support proposed near-term development would be consistent with this General Plan Policy by encouraging commercial development.

3) Zoning Code Findings

In order to recommend that the City Council amend the City's zoning map, the Planning Commission is required to recommend that that the City Council make the following findings regarding approval/denial of the project:

1. That the proposed amendment is in general conformance with the General Plan.

The City Council can make the finding in that the project meets Community Development Element Policy 9s, and Economic Development Policies 1b and 1c, and does not have a direct conflict with other Goals or Policies in the General Plan.

2. That the public necessity, convenience and general welfare require the adoption of the proposed amendment.

The City Council can make the finding in that the project would provide clustering of similar uses and sufficient access to amenities that would be consistent with the Goals and Policies of the City's General Plan.

3. The proposed amendment does not grant a change in land use from commercial or industrial to a residential land use for property incorporated into the urban service boundary after December 7, 1990 unless it can be determined pursuant to the terms of Section 18.78.070 of the municipal code that the amount of undeveloped, residentially developable land on the same side of Monterey Road as the proposed amendment is insufficient to accommodate five years' worth of residential growth.

The City Council can make the finding in that the project does not include the conversion of property incorporated into the urban service boundary after December 7, 1990.

4) Environmental Review

An environmental assessment was completed for the proposed project in accordance with the requirements of the California Environmental Quality Act (CEQA), and potential impacts to the following areas were identified: Biological Resources, Cultural Resources, Geology and Soils, Greenhouse Gas Emissions, Hazard and Hazardous Materials, and Noise and Vibration. These potential impacts can be mitigated through mitigation measures listed in the attached Mitigated Negative Declaration. Implementation of these measures would reduce potential impacts to a less than significant level. The complete adopted Mitigated Negative Declaration, initial study, and technical appendices are available on the City's website at: <http://www.morgan-hill.ca.gov/index.aspx?nid=1218>

A Mitigated Negative Declaration, which determined that any potential environmental impacts resulting from the proposed change in land use would be fully mitigated, was adopted by the City Council on November 19, 2014. As the proposed zoning change would conform to the recently adopted General Plan Amendment, the adopted Mitigated Negative Declaration provides the necessary CEQA analysis for the current project.

RECOMMENDATION

As discussed in this report, the subject Zoning Amendment request is consistent with applicable General Plan Policies.

The anticipated development of the site, in a manner consistent with the proposed land use designation and zoning district, would support development of a revenue-generating business serving local and regional residents while also supporting the City's tourism goals.

Staff recommends that the Planning Commission recommend City Council approval of the proposed project.

Attachments:

1. Resolution
2. November 19, 2014 City Council Staff Report for GPA-14-05
3. Exhibit A – Proposed Amendment Map

REFERENDUM PETITION

REFERENDUM AGAINST AN ORDINANCE PASSED
BY THE CITY COUNCIL OF THE CITY OF MORGAN HILL, CALIFORNIA
(CALIFORNIA ELECTIONS CODE, SECTION 9238)

We, the undersigned registered voters of the City of Morgan Hill, County of Santa Clara, State of California, seek the repeal of City of Morgan Hill Ordinance No. 2131, New Series, entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING THE ZONING DESIGNATION OF A 3.39 ACRE SITE AT THE NORTHEAST QUADRANT OF THE INTERSECTION OF MADRONE PARKWAY AND LIGHTPOST WAY FROM THE ML – LIGHT INDUSTRIAL DISTRICT TO THE CG – GENERAL COMMERCIAL DISTRICT (APN 726-33-026)", which was adopted by the City Council of the City of Morgan Hill on April 1, 2015.

In accordance with California Elections Code, Section 9237, should the ordinance not be repealed by the City Council it must be submitted to the voters at the next regular election or at a special election called for that purpose. A copy of the full text of the Ordinance is available for inspection in the Office of the City Clerk of the City of Morgan Hill.

NOTICE TO THE PUBLIC

THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR A VOLUNTEER.
YOU HAVE THE RIGHT TO ASK. (Elections Code, Section 101)

	Name and Signature of Registered Voter	Address (Must be in the City of Morgan Hill)	Official Use Only
1 .	<div>_____</div> <div>Print Name</div> <div>_____</div> <div>Signature</div>	<div>_____</div> <div>Residence Street Address</div> <div>_____</div> <div>City, State, Zip</div>	
2 .	<div>_____</div> <div>Print Name</div> <div>_____</div> <div>Signature</div>	<div>_____</div> <div>Residence Street Address</div> <div>_____</div> <div>City, State, Zip</div>	
3 .	<div>_____</div> <div>Print Name</div> <div>_____</div> <div>Signature</div>	<div>_____</div> <div>Residence Street Address</div> <div>_____</div> <div>City, State, Zip</div>	
4 .	<div>_____</div> <div>Print Name</div> <div>_____</div> <div>Signature</div>	<div>_____</div> <div>Residence Street Address</div> <div>_____</div> <div>City, State, Zip</div>	
5 .	<div>_____</div> <div>Print Name</div> <div>_____</div> <div>Signature</div>	<div>_____</div> <div>Residence Street Address</div> <div>_____</div> <div>City, State, Zip</div>	

**PETITION FOR REFERENDUM AGAINST CITY OF MORGAN HILL ORDINANCE NO. 2131, N.S.,
ADOPTED ON APRIL 1, 2015 (SIGNATURES CONTINUED FROM FRONT SIDE OF PAGE.)**

	Name and Signature of Registered Voter	Address (Must be in the City of Morgan Hill)	Official Use Only
6 .	<div>_____</div> <div align="center">Print Name</div> <div>_____</div> <div align="center">Signature</div>	<div>_____</div> <div align="center">Residence Street Address</div> <div>_____</div> <div align="center">City, State, Zip</div>	
7 .	<div>_____</div> <div align="center">Print Name</div> <div>_____</div> <div align="center">Signature</div>	<div>_____</div> <div align="center">Residence Street Address</div> <div>_____</div> <div align="center">City, State, Zip</div>	
8 .	<div>_____</div> <div align="center">Print Name</div> <div>_____</div> <div align="center">Signature</div>	<div>_____</div> <div align="center">Residence Street Address</div> <div>_____</div> <div align="center">City, State, Zip</div>	
9 .	<div>_____</div> <div align="center">Print Name</div> <div>_____</div> <div align="center">Signature</div>	<div>_____</div> <div align="center">Residence Street Address</div> <div>_____</div> <div align="center">City, State, Zip</div>	
10 .	<div>_____</div> <div align="center">Print Name</div> <div>_____</div> <div align="center">Signature</div>	<div>_____</div> <div align="center">Residence Street Address</div> <div>_____</div> <div align="center">City, State, Zip</div>	

**DECLARATION OF PERSON CIRCULATING PETITION
(Elections Code Sections 104 and 9238(c))
(To be completed in circulator's own hand)**

I, _____, declare:
(Print Your Full Name- First Name, Middle Name or Initial, Last Name)

My residence address is: _____
(Number, Street, City, State, Zip)

and I am eighteen (18) years of age or older.

I personally circulated this petition section and witnessed each of the appended signatures being written on the petition and to the best of my information and belief, each signature is the genuine signature of the person whose name it purports to be and the appended signatures were obtained between the dates of: _____ and _____, inclusive.

(Month, Day, Year) (Month, Day, Year)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on _____ at _____
(Month, Day, Year) (Place of Signing)

Signature of Petition Circulator - First Name, Middle Name or Initial, Last Name

ORDINANCE NO. 2131, NEW SERIES

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING THE ZONING DESIGNATION OF A 3.39 ACRE SITE AT THE NORTHEAST QUADRANT OF THE INTERSECTION OF MADRONE PARKWAY AND LIGHTPOST WAY FROM THE ML – LIGHT INDUSTRIAL DISTRICT TO THE CG – GENERAL COMMERCIAL DISTRICT (APN 726-33-026)

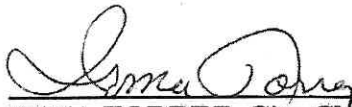
THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY ORDAIN AS FOLLOWS:

- SECTION 1. INCORPORATING THE MAP BY REFERENCE.** There hereby is attached hereto as "Exhibit A" and made a part of this ordinance, a map showing the boundaries of the subject property.
- SECTION 2. DESCRIPTION OF LAND IN REZONING.** The boundaries of the property as shown for "Parcel O," a portion of the map filed for record with the Santa Clara County Recorder on October 13, 2000 in book 733 of Maps at pages 11 and 12.
- SECTION 3. FINDING OF CONSISTENCY WITH THE GENERAL PLAN.** The City Council hereby finds that the amendment established by this ordinance as herein described is compatible with the goals, objectives, policies and land use designation of the amended General Plan of the City of Morgan Hill. The Council further finds that the proposed amendment is required in order to serve the public health, convenience and general welfare as provided by Section 18.62.070 of the Morgan Hill Municipal Code.
- SECTION 4.** The City Council of the City of Morgan Hill hereby finds that, on the basis of the whole record before it (including the refined initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects the City Council's independent judgment and analysis, and that the Mitigated Negative Declaration was adopted prior to action taken to adopt the Ordinance. The custodian of the documents or other material which constitute the record shall be the Community Development Department.
- SECTION 5. Severability.** If any part of this Ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the applicability of this Ordinance to other situations.
- SECTION 6. Effective Date; Publication.** This Ordinance shall take effect thirty (30) days after the date of its adoption. The City Clerk is hereby directed to publish this ordinance pursuant to §36933 of the Government Code.

THE FOREGOING ORDINANCE WAS INTRODUCED AT A MEETING OF THE CITY COUNCIL HELD ON THE 18th DAY OF MARCH 2015, AND WAS FINALLY ADOPTED AT A MEETING OF THE CITY COUNCIL HELD ON THE 1st DAY OF APRIL 2015, AND SAID ORDINANCE WAS DULY PASSED AND ADOPTED IN ACCORDANCE WITH LAW BY THE FOLLOWING VOTE:

AYES:	COUNCIL MEMBERS:	Larry Carr, Rich Constantine, Steve Tate
NOES:	COUNCIL MEMBERS:	Marilyn Librers, Gordon Siebert,
ABSTAIN:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	None

ATTEST:



IRMA TORREZ, City Clerk

APPROVED:



STEVE TATE, Mayor

Effective: May 1, 2015

~ CERTIFICATION ~

I, IRMA TORREZ, CITY CLERK OF THE CITY OF MORGAN HILL, CALIFORNIA, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 2131, New Series, adopted by the City Council of the City of Morgan Hill, California at its regular meeting held on the 1st day of April 2015.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: April 3, 2015



IRMA TORREZ, City Clerk

